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TO

Improve Local Government in Ireland.

A.D. 1902.

WHEREAS it is expedient to amend the law relating to local government in Ireland and for other purposes connected therewith:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) The under secretary to the Lord Lieutenant shall cease to be a commissioner of the Local Government Board. Re-constitution
of
Local Go-
vernment
Board

10 (2) A temporary commissioner of the Local Government Board under subsection five of section one hundred and two of the Local Government (Ireland) Act, 1898 (herein-after called the principal Act), shall not be appointed or re-appointed after the *passing of this Act*.

15 (3) Ten additional commissioners of the Local Government Board shall be appointed as follows in the prescribed manner:—

Two by the chairmen of the county councils in each province;

Two by the chairmen of the county boroughs.

(4) The additional commissioners shall be appointed within one month after the commencement of this Act, and afterwards within one month after each triennial election of county councillors, and the additional commissioners appointed on each occasion shall hold office until their successors are appointed.

25 *2. There shall be paid out of moneys provided by Parliament to the additional commissioners appointed under this Act such reasonable travelling expenses as they shall from time to time in the exercise of the duties of their office incur.* Payment of
travelling
expenses of
additional
commissi-
oners

30 *3. Where a county council, or a council of an urban district, by a majority of not less than two-thirds of the members present at the meeting specially summoned for the purpose, shall so resolve, the poor rate made by such council in the case of any* As to rating
owner
instead of
occupier in
case of small
tenements.

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hereditament of which the poor law valuation shall not exceed *four pounds*, shall not be made upon the occupier of such hereditament, but shall be made on the immediate lessor thereof, provided that where such resolution has been passed the fifty-fourth section of the Local Government (Ireland) Act, 1898, shall not apply, and any adjustment of rent made under that section shall no longer have effect, and the rent of the occupier of the hereditament shall be the same as if the said section had not passed.

Expenses of
urban county
district to be
defrayed out
of poor rate.

4. The expenses incurred by the council of an urban county district in relation to the business transferred to the council by or in pursuance of the principal Act, or otherwise in the execution of the said Act, shall be defrayed out of the poor rate.

Contributory
areas to be
determined
by the
district council.

5. Notwithstanding anything in any Act, the contributory areas on which any special expenses incurred by a rural district council after the *passing of this Act* for the purpose of the Public Health (Ireland) Acts, 1878 to 1898, shall be charged, shall be determined by the rural district council.

Clergymen
eligible as
members of
councils and
poor law
boards.

6. A person being in holy orders, or being a regular minister of any religious denomination, shall not be disqualified for being elected and being a county or district councillor or poor law guardian.

Chairman of
county
council and
chairman of
district coun-
council justice of
peace for the
county.

7.—(1.) The chairman of a county council and also the chairman of a district council, unless a woman or personally disqualified by any Act, shall by virtue of his office be a justice of the peace for the county; but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace.

(2.) Subsection two of section ninety-five of the principal Act shall be and is hereby repealed.

Use of court
houses,
sessions
houses, and
schoolrooms.

8.—(1.) Except so far as the sheriff or the justices may require, for the administration of justice or the discharge of his or their duties, the use of any court house, sessions house, or other county building under his or their custody or control, the county council shall be entitled to the use of the same.

(2.) Subject to the foregoing provision there shall be transferred to the council of each county the custody of all court houses and petty sessions houses in the county, and the right to appoint and remove the keepers of such court houses.

(3.) If any difference arises between the sheriff or justices and the county council of any county as to the use by such county

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council of any court house, sessions house, or other county building, the difference shall be determined by the Local Government Board. A.D. 1902. —

9.—(1.) A county council may grant to any person or persons, free of charge, at any reasonable time, the use for any public purpose of any room in a court house, sessions house, or county building, or of any room the expense of maintaining which is payable out of any rate levied by the county council. Grant of use of rooms by county council and school managers.

(2.) The managers of any school receiving a grant out of moneys provided by Parliament may grant to any person or persons, free of charge, at any reasonable time not during ordinary school hours, the use for any public purpose of any room in the school.

(3.) Nothing in this section shall authorise the grant of the use of any room used as part of a private dwelling-house.

(4.) Any expense reasonably incurred by the county council or managers in consequence of the grant of the use of a room under this section, and any damage done to the room or its contents in consequence of the grant of its use under this section, shall be defrayed by the person or persons to whom the use of the room was granted, and the county council or managers may recover the amount thereof from such person or persons before a court of summary jurisdiction.

(5.) Any question with regard to the power of a county council or of managers to grant the use of a room under this section shall be determined by the Local Government Board.

25 10. Notwithstanding anything in the Technical Instruction Acts, 1889 and 1891, or in the Agriculture and Technical Instruction (Ireland) Act, 1899, or in any other Act, the council of any county may, by a majority of not less than two-thirds of the members present at a meeting specially summoned for the purpose, apply a portion of any fund at their disposal, or any sum raised by means of any rate, towards such methods of giving instruction in the Irish language and of promoting the knowledge of the Irish language as the council may deem fit. Expenditure on instruction in the Irish language.

11. A new road may be laid out and made by a county council of a width less than sixteen feet, if the county council shall think fit, provided that such road shall not be less than twelve feet in width. Width of new roads.

12. A county council may with respect to any public work the expenses of which are chargeable partly or wholly to the administrative county, or upon the recommendation of the council of the district with respect to any public work the expenses of Execution of public works by council without intervention of contractor.

A.D. 1902. which are chargeable wholly to a county district, execute such work without the intervention of a contractor, and the Grand Jury (Ireland) Act, 1857, shall in such case apply with the necessary modifications.

Repeal of
Acts for
compensation
for
criminal
injury.

13. The enactments relating to compensation for criminal injury set forth in the First Schedule to the Local Government (Ireland) Act, 1898, and the fifth section of the said Act, shall be and are hereby repealed.

Fences and
posts on
footways.

14. Fences and posts placed by town commissioners for the protection of passengers on footways pursuant to the powers confirmed by the fifty-second section of the Towns Improvement Clauses Act, 1847, may be placed in such part or parts of such footways as the town commissioners think necessary.

Duties and
powers of
district council
as to aliena-
tions, rights
of way, rights
of crosses,
and roadside
wastes.

15. A district council in Ireland shall have and exercise the powers exercised in England by any body under sections ten and fifteen twenty-six of the Local Government Act, 1894, with such modifications as shall be prescribed therein by the Lord Lieutenant by Order in Council.

Rules.

16. Where, for the purpose of raising in any area the exact amount for any excluded charges within the meaning of sections fifty-six and fifty-seven of the principal Act, it would, but for this section, be necessary to make a rate in the pound less than a farthing or not being a multiple of a farthing, the rate in the pound actually made for that purpose shall be a farthing or the next highest multiple of a farthing, as the case may be, and any sum in excess of such exact amount shall be carried to the district or borough fund of the county, district, or borough comprising that area.

Appointment
of high
sheriff.

17. Every county council in Ireland shall on or before the *first day of January* in each year choose the names of three persons resident in the county for submission to the Lord Lieutenant, who shall select and appoint one of such persons to the office of high sheriff of the county; and the county council shall *after the passing of this Act* have power to alter or fix the salary of such sheriff, subject to the approval of the Local Government Board. 35

Control of
salaries of
county
officers.

18. The council of a county shall have power to alter, vary or refuse the salary of any officer of the county, including the officers of the county court judge, whose salaries or emoluments are at present paid by the council.

19. On representation made, and after an inquiry, due notice of which shall be given, the council of a county may enclose all waste lands within their county, and may apply out of their funds such moneys as may be necessary for the enclosure or afforestation of same. A.D. 1902.
Enclosure of
waste lands.

20. The council of a county may apply the provisions of the Borough Funds Acts to enable them to promote Bills in Parliament for the acquirement of lands or easements required for the use of the county. Promotion of
Bills in
Parliament.

10 21. This Act shall extend to Ireland only, and may be cited as the Local Government (Ireland) Act, 1902, and, save as is otherwise herein provided, shall come into operation within *one month after the passing thereof*. Extent,
short title,
and com-
mencement.

Local Government
(Ireland).

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B I L L

To improve Local Government in
Ireland.

(Prepared and brought in by
Mr. Power, Mr. Green, Mr. J. P. Farrell,
Mr. Patrick Ahern, Mr. Hough, Mr. O'Sullivan,
Mr. Nasuetti, Mr. Tally, and Mr. Daly)

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